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8 GABRIEL LOPEZ,
9 Plaintiff,
10 v.
11 ENJAY, INC., et al.,
12 Defendants.

Case No. 23-cv-02227-VKD

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20 **ORDER REQUESTING
CLARIFICATION**

Re: Dkt. No. 11

21 On August 8, 2023, the parties filed a stipulation advising that they had “reached a separate
22 settlement agreement” resolving the action and requesting that the Court “order that all of
23 Plaintiff’s claims in this action against be dismissed with prejudice.” Dkt. No. 11. In addition, the
24 stipulation references provisions of the parties’ settlement agreement. *See id.* at 1-2 (“In
25 consideration of this dismissal, Defendants will complete the corrective work in the parking lot
26 within one year. The Parties agree and stipulate that the corrective work will be performed in
27 compliance with [certain regulations].”).

28 The parties may stipulate to dismissal of the action, with or without prejudice, without a
29 court order. *See Fed. R. Civ. P. 41(a)(1)(A).* Thus, if dismissal with prejudice of plaintiff’s
30 claims is all that the parties seek, the Court need not enter an order to that effect. However, if the
31 parties ask the Court to issue an order incorporating the “corrective work” provisions or other
32 aspects of their settlement agreement, the Court may not enter such an order without the consent
33 of all parties. *See 28 U.S.C. §§ 636(b)(1)(A); (c)(1); Williams v. King, 875 F.3d 500, 502-04 (9th
34 Cir. 2017)* (discussing magistrate judge consent jurisdiction). Here, defendants have not appeared
35 in the action and therefore the Court does not have the complete consent of all parties.

1 The Court construes the parties' stipulation as a voluntary dismissal of the action, with
2 prejudice, which does not require a Court order. If the parties seek entry of a Court order for some
3 other purpose, they shall so advise the Court by **August 16, 2023**.

4 IT IS SO ORDERED.

5 Dated: August 9, 2023

Virginia K. DeMarchi
VIRGINIA K. DEMARCHI
United States Magistrate Judge

United States District Court
Northern District of California